

REMARKS

In the Office Action, claims 59-73 were withdrawn from consideration, claims 29-36, 43-58 and 74-77 were rejected, and claims 78 and 79 were objected to by the Examiner. Applicants thank the Examiner for indicating the allowability of claims 78 and 79. Those claims have been placed into independent form and should now be a condition for allowance. Claims 31, 46, 78 and 79 have been amended, claims 30 and 59-73 have been canceled without prejudice, and claims 29, 31-36, 43-58 and 74-79 remain pending in the present application. All claim amendments are fully supported throughout the written description and figures of the specification.

In the Office Action, restriction was required as to the claims of Group I (claims 29-36, 43-58 and 74-79) or Group II (claims 59-73). During a telephone conversation with Jeffrey Griffin on August 4, 2004, a provisional election was made to prosecute the claims of Group I. The provisional election is hereby affirmed, and claims 59-73 have been canceled without prejudice.

Claim 46 was rejected under 35 USC 112, second paragraph, as being indefinite. Accordingly, claim 46 has been amended to insert reference to the claim from which it depends. Accordingly, the rejection should be overcome.

Claims 30-36 were rejected under 35 USC 101 as claiming the same invention as that of claims 27-33 of prior US Patent No. 6,695,054. Claim 30 has been canceled without prejudice, and claim 31 has been amended to depend directly from independent claim 29. Accordingly, the double patenting rejection is believed to be moot.

Claims 29 and 74 were rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over claims 27 and 37 of US Patent No. 6,695,054. Applicants disagree with the Examiner's assertion, but would be willing to file a terminal disclaimer if this rejection is maintained.

Claim 29 was rejected under 35 USC 102(a) as anticipated by International Application WO00/08301 to Metcalfe, et al. This rejection is respectfully traversed.

The Metcalfe, et al. reference discloses a tubing connector 10 provided between ends of two sections of expandable tubing 12, 14. The sections of expandable tubing 12, 14 each comprise filter plates 16, 18 sandwiched between an expandable inner support tubing 20, 22 and an expandable outer tubing 24, 26. The sections of expandable inner tubing 20, 22 are formed with cooperating pin and box connections 28, 30. Connections 28 and 30 enable the tubing sections 12, 14 to be axially joined via relative rotation. (see page 5, line 17-26, and page 6, lines 18-23). In other words, the connector 10 is simply an axial connector that can be joined by relative rotation. The features disclosed in this reference do not disclose or suggest a locking mechanism that functions upon expansion of an expandable tubular system by “maintaining the expandable tubular system in the expanded condition” as recited in independent claim 29.

Claims 48-49 and 51 were rejected under 35 USC 102(e) as anticipated by the Castano-Mears, et al. reference, US Patent No. 6,457,518. This rejection is respectfully traversed.

In the Office Action, the Castano-Mears, et al. reference is relied on as disclosing a sand screen having a plurality of expandable filter sections 80 and at least one seal section 82 where the plurality of expandable filter sections are longitudinally separated by the at least one seal section. However, the reference describes a well screen with interconnected “circumferentially” alternating filtering portions 80 and expansion portions 82. As described and depicted in Figure 8B, expansion portions 82 can be lengthened circumferentially relative to a base pipe 78 as the base pipe is radially extended. The increase in the circumferential lengths of expansion portions 82 increases the circumferential separation between filtering portions 80. (see column 8, lines 7-46). Thus, expansion portions 82 do not serve as seal sections and do not longitudinally separate expandable filter sections. Accordingly, the arguments presented by the Examiner do not support the rejection of claims 48-49 and 51 under 35 USC 102(e), and the rejection should be withdrawn.

Claims 43-47 were rejected under 35 USC 102(e) as anticipated by the Lauritzen, et al. reference, US Patent No. 6,571,871. This rejection is respectfully traversed.

The present application is based on and claims priority to three provisional applications filed between January 16, 2001 and June 5, 2001. The subject claims are supported in these provisional applications (see, for example, provisional application number 60/261,752, filed January 16, 2001), and therefore the Lauritzen, et al. reference does not constitute prior art. Accordingly, the rejection of claims 43-47 should be withdrawn.

Claims 74-75 were rejected under 35 USC 102(b) as anticipated by the Donnelly reference, US Patent No. 5,901,789. This rejection is respectfully traversed.

The Donnelly reference discloses a deformable well screen having an expandable slotted carrier tube 3, four scaled perforated filter sheets 4 and an expandable slotted protective tube 5. Each filter sheet 4 is connected at one edge to carrier tube 3 by a lug 6 such that an opposite end of the sheet is free and overlaps an adjacent sheet 4. (see column 4, lines 53-67, and Figure 1). In other words, each free end of a filter sheet 4 overlaps a fixed end of an adjacent sheet. The reference does not disclose or suggest a plurality of filter sheets in which the “free ends of adjacent pairs of filter sheets are positioned in an overlapping configuration” as recited in independent claim 74. Claim 75 depends from claim 74 and is patentable for the reasons cited above as well as for the unique subject matter in dependent claim 75.

Claim 50 was rejected under 35 USC 103(a) as being obvious over the Castano-Mears, et al. reference. This rejection is respectfully traversed. Claim 50 depends from independent claim 48 and is patentable for the reasons provided above as well as for the unique subject matter recited in claim 50.

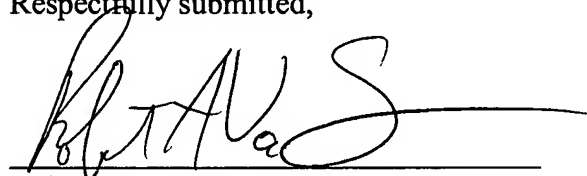
Claims 52-58 were rejected under 35 USC 103(a) as obvious over the Donnelly reference in view of the Whitlock reference, US Patent No. 6,382,318. This rejection is respectfully traversed.

The Donnelly et al. reference discloses a deformable well screen having a plurality of filter layers. The Whitlock reference discloses a filter having a filter body and a filter medium. The filter medium may comprise diffusion layers that permit edgewise flow of fluid or layers for selectively blocking flow. (see column 5, lines 51-60). However, the cited references, taken alone or in combination, do not disclose, teach or suggest providing an expandable tubular system with overlapping filter sheets having openings that “upon expansion of the expandable tubular system, the overlapping filter sheets create a predetermined flow path regime” as recited in independent claim 52. The combined teachings of the references would not have suggested to one of ordinary skill in the art such creation of a predetermined flow path regime when the system is expanded. It is only with the knowledge gained from the present application and the use of impermissible hindsight analysis that one can arrive at this unique combination. Accordingly, independent claim 52 is not obvious in light of the cited references. Claims 53-58 depend from independent claim 52 and are patentable for the reasons provided with respect to claim 52 as well as for the unique subject matter recited in each dependent claim.

Claims that 76-77 were rejected under 35 USC 103(a) as unpatentable over the Donnelly reference in view of the Whitlock reference and the Donnelly reference, US Patent No. 6,315,040. This rejection is respectfully traversed. Claims 76 and 77 ultimately depend from independent claim 74 and are patentable for the reasons provided above with respect to claim 74 as well as for the unique subject matter recited in those dependent claims. The additional reference cited does not obviate the deficiencies of disclosure in the other references previously discussed. Accordingly, claims 76 and 77 are patentable over the cited references.

In view of the foregoing remarks, the pending claims are believed patentable over the cited references. However, if the Examiner believes certain amendments are necessary to clarify the present claims or if the Examiner wishes to resolve other issues by way of a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Robert A. Van Someren', written over a horizontal line.

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